



## Guidance

# Changes to school admission appeals due to the coronavirus (COVID-19) pandemic

Updated 30 September 2021

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Due to the COVID-19 pandemic, we have made changes to the way admission authorities (school governing bodies, local authorities and academy trusts depending on the type of school) carry out school admission appeals.

In April 2020, we introduced [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#) (the 'temporary regulations') to give admission authorities, local authorities and admission appeal panels more flexibility when dealing with appeals during the COVID-19 pandemic. The temporary regulations have been extended through the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No. 2) Regulations 2021 and will now expire on 30 September 2022.

The accompanying [guidance on changes to the admission appeals regulations](#) is non-statutory and is aimed at supporting all of those who have a duty to act in accordance with the [School Admission Appeals Code](#). The temporary arrangements set out that these regulations should only be used when it is not reasonably practicable to operate appeals normally for reasons related to the COVID-19 pandemic.

Our aim is to:

- give admission authorities as much flexibility as possible to manage appeals in

a way that best suits local circumstances

- ensure families appealing an admission decision are supported and are not disadvantaged by any measures in place to protect public health

## Important dates

The regulatory changes will remain in force until 30 September 2022.

The changes mean:

- admission authorities will have sufficient time to deal with the annual peak in appeals for children due to start new schools at the beginning of September 2022
- parents will continue to have the right to appeal to any school which has refused their child a place

## Summary of changes

The temporary regulations:

- disapply the requirement that appeal hearings must be held in person where it is not reasonably practicable to follow the normal appeals process due to the COVID-19 pandemic, and instead give flexibility for them to take place either in person, or by telephone, video conference or through a paper-based appeal where all parties can make representations in writing
- relax the rules with regards to what happens if one of the 3 panel members withdraws (temporarily or permanently for reasons due to COVID-19) to make it permissible for the panel to continue with and conclude the appeal as a panel of 2
- amend the deadlines relating to appeals for the time that the new regulations are in force

## Changes to appeal deadlines

The temporary regulations provide more flexibility for admission authorities to set new or revised deadlines for submitting an appeal.

Our amendments to deadlines will ensure that:

- appellants will be given at least 14 calendar days' written notice of an appeal hearing (although appellants can waive their right to this)

- admission authorities must set reasonable deadlines relating to the parties submitting evidence

Hearings must be held as soon as reasonably practicable.

Decision letters should be sent within 7 calendar days of the hearing, wherever possible.

## Maintaining fairness in the appeals process

The temporary regulations relax some current requirements but will maintain obligations around natural justice and procedural fairness.

We are not relaxing any of the clerking duties for admission appeals. Clerks carry out a key role in relation to appeal hearings and provide advice on admissions law as well as keeping an accurate record of proceedings. Our [accompanying guidance also reinforces the importance of training for panel members](#), following correct procedure and ensuring fairness.

## Maladministration complaints

Parents can continue to lodge a complaint if they have evidence of maladministration.

We are not relaxing any of the requirements set out under Section 5 of the [School Admission Appeals Code](#) which covers complaints about appeals.

## Early suspension of changes

The temporary regulations are subject to review, and we can amend legislation to bring forward the date on which they end, if they are no longer required.

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